

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

NEWMONT USA LIMITED and DAWN
MINING CO.,

Plaintiff,

vs.

AMERICAN HOME ASSURANCE CO., et
al.,

Defendants.

NO. CV-09-033-JLQ

**ORDER OF DISMISSAL OF
CERTAIN CLAIMS INVOLVING
DEFENDANT NORTH RIVER
INSURANCE COMPANY**

BEFORE THE COURT is a Stipulated Motion to Dismiss (Ct. Rec. 456), whereby Plaintiffs, Newmont and Dawn, and Defendant TIG Insurance Company (as successor by merger to International Insurance Company, which was successor by novation to **North River Insurance Company** in connection with North River Policy No. 522-036856-8) agree to the dismissal of "all claims between them" with prejudice and without the award of costs. The parties Stipulated Motion to Dismiss (Ct. Rec. 456) is **GRANTED**. Pursuant to the stated stipulation of the parties, the claims asserted by Plaintiffs in the First Amended Complaint (Ct. Rec. 241) against Defendant North River Insurance Company shall be **DISMISSED** with prejudice and without the award of costs. Defendant North River Insurance Company remains a party to this litigation as a cross-claimant and/or cross-defendant.

IT IS SO ORDERED. The Clerk of this court shall enter this Order, enter judgment of dismissal as provided herein, and forward copies to counsel for all parties.

DATED this 19th day of October, 2010.

s/ Justin L. Quackenbush
JUSTIN L. QUACKENBUSH
SENIOR UNITED STATES DISTRICT JUDGE